

**CHANGES AND UPDATES
STILLWATER COUNTY AND TOWN OF COLUMBUS
SUBDIVISION REGULATIONS**

(Before County Planning Board: June 3 and August 3, 2009)

(Before City-County Planning Board: August 25, 2009)

II. GENERAL PROCEDURES

B. PRELIMINARY PLATS

4. Preliminary Plat (MCA 76-3-504)

Add to “f.”: “Rural street names are subject to approval by the County GIS Department, while streets within the Town of Columbus are subject to approval of the Town.”

5. Preliminary Plat Supplements

e. Overall development plan.

After the first sentence, change to read, “The environmental assessment, community impact analysis, grading and storm drainage plan, and traffic accessibility study must reflect the entire development area; these studies can then be referred to in the submittal of each phase without further analysis. A preliminary plat must reflect just the submittal stage, and each phase must be able to function as to traffic circulation and community services without the completion of additional or subsequent phases. The first public hearing will consider both the overall development plan, the first phase subdivision plat, and requested zoning (if any); each subsequent phase will require a public hearing. Each phase must address community impact and water supply and sewage disposal. Zoning and annexation in the Columbus jurisdictional area will be addressed by Columbus on the basis of each phase.

f. A subdivision improvements agreement (SIA)

(14) Change to read, “A final plat in phased subdivisions will be contingent upon completion and acceptance by the AGB of all improvements in that phase.”

7. Review of Subdivision Application for Required Elements and Sufficiency of Information.

c. Add to last paragraph the provision that for subdivisions containing 50 or more lots, the review period is 80 working days. (SB305)

C. FINAL PLATS

4. Guarantee of Public Improvements

Label first paragraph “a.” and add after “—Town Public Works Director,” the following: “--consulting engineer designated by the governing body, or other local public official with relevant authority,--.”

Add “b.”: “As per MCA 76-3-510(1) and (2), all payments made by a subdivision developer for required improvements must be expended on such improvements.” (SB305)

Add “c.”: The AGB may require a percentage of the improvements necessary to protect public health and safety be completed before allowing financial guarantees (MCA 76-3-507(4)). (HB486, pg. 17)

D. MINOR SUBDIVISIONS (MCA 76-3-609)

Delete the following sentence from the first paragraph: “Any minor subdivision that is not a first minor subdivision from a tract of record is a subsequent minor subdivision and must be reviewed as a major subdivision (MCA 76-3-609(3))”

Insert a new paragraph 4 to read, “Parkland dedication shall be required for a first minor subdivision if the proposed subdivision will have (or zoning permits) condominiums or other multi-family housing, or if any of the lots are located within the municipal limits of Columbus. (HB486)

Change numbering of subsequent paragraphs.

Add new paragraph 7. Any minor subdivision that is not a first minor subdivision from a tract of record is a subsequent minor subdivision and must be reviewed as a major subdivision (MCA 76-3-609(3)) to include application submission dates, public hearing, etc.; however, the requirement for an environmental assessment where the subsequent minor subdivision is made up of three lots or less is waived.

Add to Section II.G. ADMINISTRATIVE PROVISIONS

Change existing paragraphs 1.c. and 1.d. to the following, make existing paragraphs 1.c. and 1.d. into 1.e. and 1.f., and re-alphabetize subsequent paragraphs:

c. When the Planning Board recommends approval of the requested variance, with or without conditions, the Planning Office shall notify the subdivider and the AGB of its recommendation. The recommendation shall be forwarded to the AGB with the planning recommendations accompanying the preliminary plat.

d. When the Planning Board recommends denial of a variance request, the Planning Office shall forward the original request for variance to the AGB along with the Planning Board’s recommendation for denial and the reasons therefore.

IV. DESIGN AND IMPROVEMENT STANDARDS

P. PARKLAND REQUIREMENTS

3. Add “(MCA 76-3-621(3))” This is the statute referencing when parkland dedication is not required.

4. (New paragraph from HB486): Park dedication is required for subsequent minor subdivisions as described in MCA 76-3-609(3)—unless only one additional lot is being created--and for first minor subdivisions from a tract of record (as described in 76-3-609(2)) if the proposed subdivision plat indicates development of condominiums or other multifamily housing, zoning regulations permit condominiums or other multifamily housing, or any of the lots are located within the Columbus municipal limits (MCA 76-3-621(8)(a)).

Re-number subsequent paragraphs.

Q. FIRE PROTECTION

Change paragraph 3.b. as follows: “a 10,000-gallon, year-round water source, approved by the FPAHJ, with a six-inch dry hydrant-type fitting capable of flowing 1000 gallons per minute (gpm) and a 2.5-inch dry hydrant-type fitting, located not more than 1000 feet from the furthest point of any structure in the subdivision. Exceptions to the latter distance requirement shall be reviewed by the FPAHJ on a case-by-case basis.

Change paragraph 3.f. as follows: “An all-weather access road to and the apron area for the hydrant must be composed of six-inch minimum base of compacted three-inch minus gravel covered with four inches of three-quarter-inch minus crushed gravel. An 18- by 24-inch aluminum reflective sign with red letters on a white background attached to a standard County road sign post five feet above the ground and clearly visible from the access road must be provided. The sign must contain the words “Dry Fire Hydrant” and the address of the hydrant (obtained from the County GIS Department). The person designated by the County Commissioners to be the Dry Hydrant Liaison (DHL) must be invited to review the installation of the dry hydrant and the construction of the access road and apron; he/she will inspect the construction and installation upon completion and must be provided with as-built drawings of the facility. The DHL must coordinate his activities with the FPAHJ and provide a written summary of his findings and a recommendation to the Planning Office, which will become part of the decision-making process of the final plat.

V. EVASION CRITERIA

B. EXEMPTIONS AS A GIFT OR SALE TO A MEMBER OF THE IMMEDIATE FAMILY

1. Add to end of paragraph: “Such conveyances are not exempt from review by the County Health Department (for parcels of over 20 acres) or the State Department of Environmental Quality (for parcels of 20 acres or less) (MCA 76-4-125(2)(a) and Montana Attorney General Opinion No. 7, August 17, 2001).

C. EXEMPTIONS TO PROVIDE SECURITY FOR A CONSTRUCTION MORTGAGE, LIEN, OR TRUST INDENTURE

Add 4. This exemption does not require certification by the County Treasurer or review by County or State health agencies.

D. EXEMPTION FOR AGRICULTURAL PURPOSES

Add 4. This exemption requires the County Treasurer’s certification, but does not require review by County or State health agencies.

E. RELOCATION OF COMMON BOUNDARY

Add 4. This exemption requires the County Treasurer’s certification, but may require review by County or State health agencies.

F. OTHER EXEMPTIONS

Add 7. These exemptions do not require certification by the County Treasurer or review by County or State health agencies.

G. AGGREGATION OF LOTS (MCA 76-3-207(1)(f)) (New paragraph per HB486)

The aggregation of parcels or lots, when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregated parcel are established, are exempt from subdivision review; however, restrictions and conditions on the original platted lot or original unplatted parcel continue in effect. See also MCA 76-3-103(16)(b) through (c)). Such exemptions require the County Treasurer’s certification and review by County or State health agencies (MCA 76-4-125(2)(a) and Montana Attorney General Opinion No. 7, August 17, 2001).

Re-do paragraph sequencing through paragraph L.

APPENDIX B, SUBDIVISION IMPROVEMENTS AGREEMENT AND IMPROVEMENT GUARANTEES

The WAIVER OF RIGHT TO PROTEST found at the end of the SIA must state specifically the improvements being waived. It must also state that the waiver is only good for 20 years from the date the subdivision plat was recorded. (SB310)

XVI. ACCEPTABLE FORMS OF IMPROVEMENT GUARANTEES

Change first paragraph's reference to 105 percent to 110 percent.

Change "A." as follows:

A. Irrevocable Letter of Credit (ILOC)

Subject to approval of the AGB, the subdivider shall provide an irrevocable letter of credit from a Montana bank or related institution certifying the following:

1. that the creditor guarantees funds in the amount equal to 110 percent of the cost, as approved by the AGB through the County Planning Office, of completing all required improvements.

2. and 3. remain unchanged.

Delete **B. Escrow Account** and **C. Property Escrow**

Change paragraph **D. Sequential Development** to **B. Reduction of ILOC**, add the following to the beginning of the paragraph: "At the discretion of the AGB through the Planning Office, as the improvements guaranteed by the ILOC are constructed, the amount of the ILOC may be reduced."

Delete "**E. Surety Performance Bond**"

Change paragraph "F" to "C."

Delete "**G. Performance Bond Secured by Auto-Renewable, Joint-Ownership Certificate of Deposit Assigned to Stillwater County or Town of Columbus.**"

A. 1. APPENDICES

Add to **D. Forms**: Add **10. Address Application Form**

CHANGE FEES REQUIRED FOR FIRE REVIEW:

Existing Fee Structure is:

Change to:

Preliminary Plat: **\$700**

Plus \$50/lot for subdivisions in excess of 10 lots.

Change or Variance: **\$75**

Fire Protection System Testing: \$150 + \$10/hydrant